

WRIT PETITION NO. 23071 OF 2005

Between:

Malladi Leela, W/o Vittal Babu, R/o 8-79, Ranganayakupeta, Nellore District.

...Petitioner

AND

1. The Station House Officer, Ranganayakulapeta Police Station, Nellore District and others.

....Respondents

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HON'BLE SRI JUSTICE D.S.R. VARMA
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

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WRIT PETITION NO. 23071 OF 2005

ORAL ORDER:

(per the Hon'ble Sri Justice D.S.R. VARMA)

This petition is taken up on the basis of a complaint made by one Smt Malladi Leela, W/o Vittal Babu to the effect that one Kolli Srinu and Kolli Satyavati were the tenants of the house belonging to the complainant and they have been neither paying the rents for the last four years nor vacating the premises, in such circumstances, her husband is not to be found for the past two and a half years and despite thorough search all over, the husband of the petitioner by name Vittal Babu could not be found and that she has been apprehending that the said tenants might have kidnapped in order to annihilate him.

2. In response to the notice issued by this Court, Sub-Inspector of Police, III Town Police Station, Nellore District filed counter affidavit stating, inter alia, that the enquiry caused by him reveals that there were civil disputes between the petitioner and the tenants and therefore, according to the petitioner, Kolli Srinu and his mother had kidnapped her husband. The enquiry further reveals that the petitioner's husband is a physically disabled person and unable to walk and also a person of un-sound mind. It further reveals that a civil suit is also pending between them regarding a shop and since five years they have been contesting the said civil case. Since no evidence was forthcoming regarding the alleged kidnap of the husband of the complainant by Mr. Kolli Srinu and his mother, the offence under Section 363 IPC, with which the accused was charged could not be established and hence after obtaining the permission of higher authorities the section of law was also altered into 'Man Missing cases' on 5.12.2005 and that all steps are being taken to trace out the husband of the petitioner.

3. From the above, it appears that though the kidnap is allegedly taken place about two and a half years before the complaint is made, it is rather surprising that no complaint was made soon after the alleged incident. This is a strange circumstance. In such circumstances, we have no other option except to believe

the version of the Police, which is stated in the counter affidavit.

4. For the foregoing, the Writ Petition is liable to be closed.
5. Accordingly, the Writ Petition is closed. No order as to costs.

D.S.R.VARMA, J

P. SWAROOP REDDY, J

Dated: 29.06.2006
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